REMARKS:

Claims 1, 4 and 5 are presented for examination, with claim 1 having been amended hereby, new claims 4 and 5 having been added and claims 2 and 3 having been withdrawn, without prejudice or disclaimer.

In this regard, it is noted that affirmation of the election of what the Examiner refers to in the November 4, 2004 Office Action as "Group I" (i.e., claim 1) is hereby made.

Reconsideration is respectfully requested of the rejection of claim 1 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,571,981 ("Rohlfs") in view of U.S. Patent Application Publication No. 2003/0066839 ("Connors, Jr. et al.").

It is respectfully submitted that applicant does not necessarily concur with the Examiner with regard to the results of the Examiner's analysis of claim 1 of the present application and the Rohlfs and Connors, Jr. et al. disclosures.

Nevertheless, in order to expedite prosecution of the application, claim 1 has been amended hereby to more particularly point out the feature of the invention directed to the stackable configuration. More specifically, claim 1 has been amended hereby to recite the stackable configuration in which respective container portions nest and in which respective hinged lid portions nest.

Of note, this feature in which respective container portions nest and in which respective hinged lid portions nest may aid in providing efficient storage and shipping (e.g., in terms of space) as well as aid in reducing breakage of the hinges (e.g., due to the fact that the nested lid portions could tend to reduce unwanted flexing and movement of individual hinges during storage and shipment).

It is believed that neither Rohlfs nor Connors, Jr. et al. (alone or in combination) show or suggest this claimed feature.

In this regard, it is noted that while Rohlfs does appear to show stacking of the cups themselves, there is no showing or suggestion of the claimed lid portion stacking feature. This is seen clearly, for example, in Fig. 6 of Rohlfs.

In fact, it is respectfully submitted that due to the shape of sipping tip 20 of Rohlfs (i.e., having at least two parallel sides) such lid stacking would not be possible (i.e., the outside of one sipping tip would not fit within the inside of another).

Therefore, it is respectfully submitted that the rejection of claim 1 under 35 U.S.C. 103(a)

as being unpatentable over Rohlfs in view of Connors, Jr. et al. has been overcome.

Reconsideration is respectfully requested of the rejection of claim 1 under 35 U.S.C. 103(a) as being unpatentable over Connors, Jr. et al. in view of Rohlfs).

This rejection is essentially the same as the rejection discussed above (with the exception that here Connors, Jr. et al. is made the primary reference rather than Rohlfs.

In this regard, it is respectfully submitted that, at least for the reasons discussed above, neither Connors, Jr. et al. nor Rohlfs (alone or in combination) show or suggest the presently claimed invention.

Therefore, it is respectfully submitted that the rejection of claim 1 under 35 U.S.C. 103(a) as being unpatentable over Connors, Jr. et al. in view of Rohlfs has been overcome.

Accordingly, it is respectfully submitted that each rejection raised by the Examiner in the November 4, 2004 Office Action has been overcome and that the above-identified application is now in condition for allowance.

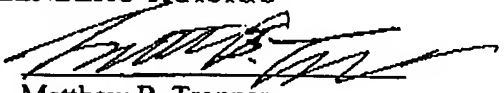
Finally, it is noted that this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

For example, support for the amendments to the claims regarding the stacking feature is found in the claims, as filed; at page 4, line 15; in Fig. 7; and throughout the specification.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
GREENBERG TRAURIG

Dated: May 4, 2005

By: 
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